

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

Asheville Blade, LLC; Melissa Coit;)	
and Matilda Bliss)	
)	Case No. 1:24-cv-00307
v.)	
)	
City of Asheville, et al.)	

JOINT MOTION TO STAY

NOW COME Plaintiffs and Defendants, by and through undersigned counsel, and hereby respectfully jointly move to stay proceedings in the above-captioned matter pending the final resolution of a related state court criminal case, *State v. Bliss*, North Carolina Court of Appeals, No. COA24-92. In support of this Motion, Plaintiffs state the following.

1. Bliss and Coit are journalists who worked for the *Asheville Blade*, an internet-based news outlet in Asheville, N.C.
2. On the night of December 25, 2021, Bliss and Coit were in Aston Park, gathering news while the Asheville Police Department (APD) cleared a protest. APD officers arrested Bliss and Coit at the protest.
3. Bliss and Coit were charged with second-degree trespass, tried, and convicted in Buncombe County district court.

4. After appealing for a trial *de novo*, Bliss and Coit were convicted before a jury in June 2023, in Buncombe County superior court. Bliss and Coit were sentenced to pay \$100 and court costs.

5. Bliss and Coit timely appealed their convictions to the North Carolina Court of Appeals, which heard the case without oral argument on September 11, 2023.

6. On December 23, 2024, Plaintiffs filed the complaint in this matter, asserting claims for violation of their constitutional and statutory rights. D.E. 1. Defendants waived service of summons. Their response to Plaintiffs' complaint is due March 28, 2025. D.E. 2.

7. On February 19, 2025, the North Carolina Court of Appeals dismissed Bliss and Coit's appeal on jurisdictional grounds. Exhibit A, *State v. Bliss*, 2025 WL 548379, 2025 N.C. App. LEXIS 44 (N.C. Ct. App. Feb. 19, 2025).

On March 9, 2025, Bliss and Coit timely filed motions with the court of appeals for reconsideration, to amend the record on appeal, and to stay the mandate until the court rules on the motions. On March 11, 2025, the Court of Appeals withdrew its opinion for further reconsideration. Exhibit B, Order, *State v. Bliss*, No. COA24-92 (N.C. Ct. App. March 11, 2025).

8. In support of this Motion, and pursuant to Local Rule of Civil Procedure 7.1 and the Court's Administrative Procedures, the Plaintiffs and

Defendants jointly have contemporaneously filed a memorandum of law and supporting exhibits. As further explained in the memorandum of law, the outcome of Bliss and Coit's related criminal case will clarify the scope of Plaintiffs' claims.

9. Plaintiffs intend to amend their complaint after the final resolution of Bliss and Coit's criminal appeal.

10. Staying this matter until Bliss and Coit's criminal case is conclusively resolved serves the interest of judicial efficiency and avoids the hardship to both parties of litigating claims and defenses that may prove unnecessary.

11. If this Court grants a stay, Plaintiffs and Defendants respectfully request this Court order that within 30 days of the state court final resolution, Plaintiffs shall notify the Court that said appeals have concluded by filing an Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(2) (reflecting Defendants' advance consent) with the Court, describing the outcome thereof. Upon filing of the Amended Complaint, Defendants shall have thirty (30) days in which to file a responsive pleading.

WHEREFORE, Plaintiffs and Defendants respectfully request that the Court grant this motion and stay this case in its entirety, pending the outcome of Plaintiffs Bliss' and Coit's parallel criminal case.

Respectfully submitted this 18th day of March 2025.

FIRST AMENDMENT CLINIC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 18, 2025, the foregoing *Joint Motion to Stay* was filed electronically with the Clerk of the United States District Court for the Western District of North Carolina using the CM/ECF system which will send notification of this filing and an electronic copy of the same to all counsel of record registered with the CM/ECF system.

This is the 18th day of March, 2025

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